

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6181 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RAMJIBHAI ATUBHAI KOLI THRO' BROTHER SUKHABHAI

Versus

STATE OF GUJARAT

Appearance:

MR BP GUPTA for Petitioner

D.N. PATEL LD. AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE B.C.PATEL

Date of decision: 03/03/2000

ORAL JUDGEMENT

The detenu has filed this petition as he has been detained by the respondent No.2-District Magistrate, Bhavnagar vide order dtd.14/6/99 under the provisions contained in the Gujarat Prevention of Antisocial Activities Act, 1985 (PASA for short).

2. Order of detention is placed on record vide Annexure-A. Grounds of detention are placed on record vide Annexure-B. From the grounds it appears that the detenu is indulging in nefarious activities i.e. dealing with prohibited liquor. 6 cases are pending for trial against the detenu for the offence punishable under the Bombay Prohibition Act. There are other 2 cases registered against the detenu for the offences punishable under Indian Penal Code and cases are pending before the court. Not only that, but the detenu is a dangerous person. His bootlegging activities are continued and no one is in a position to oppose the detenu in his nefarious activities. Even innocent persons are being beaten by the detenu. There are other offences committed on 17/5/99, 18/5/99 and 19/5/99, however, on account of threats, victims are not able to lodge F.I.R. The detenu asked the person to carry illicit liquor and store the liquor. The witnesses were not in a position to come forward and after assuring that their names and address will be kept secret, they disclosed certain information to the Police. The Detaining Authority was satisfied that the detenu is not only a bootlegger but is also a dangerous person.

3. Without addressing about legality of the grounds of detention, the learned advocate for the petitioner submitted that the petition is required to be disposed of on a short ground as the papers supplied to the detenu are not legible. In view of this, the detenu is deprived from making effective representation. He further stated that the all papers are not illegible but some papers are illegible and as a result of which, his right has been adversely affected. Mr. Patel, learned AGP after going through the papers, is not in a position to state that all the papers are legible, some of the papers are illegible. Suffice it to say that the same has deprived the detenu from making effective representation and hence the detention order requires to be quashed and set aside. The detention order passed against the detenu is hereby quashed and set aside. The detenu shall be released forthwith if he is not required in any other case. The petition is allowed. Rule is made absolute.
